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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. **Antonio GALEANA-Avila,** Defendant	Magistrate Docket No. '08 MJ 1011 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **April 1, 2008,** within the Southern District of California, defendant, **Antonio GALEANA-Avila,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF APRIL 2008.

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Antonio GALEANA-Avila

PROBABLE CAUSE STATEMENT

On April 1, 2008, Border Patrol Agent J. Martinez, was performing line watch duties near an area known as "Whiskey 15." This area is approximately five miles west of the San Ysidro, California, Port of Entry and is approximately ten yards north of the United States/Mexico International Boundary.

At approximately 5:55 A.M., Agent Martinez was advised by a National Guard Scope operator of the illegal entry of approximately three individuals into the United States. Upon responding to the location, Agent Martinez found the three individuals. Agent Martinez identified himself as a United States Border Patrol Agent and questioned the three individuals, including one later identified as the defendnat **GALEANA-Avila, Antonio**, as to their citizenship and nationality. All three, admitted to being citizens and nationals of Mexico without any immigration documentation permitting them to enter or remain in the United States legally. At approximately 6:30 A.M, Agent Martinez arrested the three individuals had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **May 14, 1998 through Chicago, Illinois**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed

The defendant was advised of his Miranda Rights. He stated he understood and was willing to answer questions without an attorney. The defendnat admitted that he was a citizen and national of Mexico not in possession of documents enabling/permitting him to enter and/or remain in the United States legally. He further stated that he had not requested permission from the Attorney General to re-enter the United States. He stated his intended destination was Los Angeles, California.